

DATE

Howard Luna  
St. Bernard Parish Council  
8201 West Judge Perez Drive  
Chalmette, LA 70043

**Re: Ethics Board Docket No. 2015-1389**

Dear Mr. Luna:

The Louisiana Board of Ethics, at its February 19, 2016 meeting, considered your request for an advisory opinion regarding whether your wife, Charlotte Luna, can continue her employment with St. Bernard Parish (Parish) while you serve as a member of the St. Bernard Parish Council (Parish Council). You stated that Mrs. Luna has been employed with the Parish since May of 2013, and she currently serves as the manager of the Department of Animal Services. You were elected to the Parish Council on November 21, 2015, and commenced your service on January 12, 2016.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit Charlotte Luna from continuing her employment with the Parish while you serve as a member of the Parish Council. La. R.S. 42:1119B prohibits a member of the immediate family of a member of a governing authority or the chief executive of a governmental entity from being employed by the governmental entity. However, La. R.S. 42:1119C allows a public employee that has been employed for at least one year prior to her immediate family member becoming the agency head to continue her employment and receive normal promotional advancements. Since Mrs. Luna has been employed with the Parish for more than one year prior to you becoming a member of the Parish Council, it would not present a violation of La. R.S. 42:1119B if she continues her employment.

The Board further concluded, and instructed me to inform you, that La. R.S. 42:1112B(1) provides that no public servant, except as provided in La. R.S. 42:1120, shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any member of his immediate family has a substantial economic interest. La. R.S. 42:1102(21) provides that that "substantial economic interest" means an economic interest which is of greater benefit to the public servant or other person than to a general class or group of persons. Additionally, La. R.S. 42:1120 provides that if any elected official, in the discharge of a duty or responsibility of his office or position, would be

required to vote on a matter which vote would be a violation of La. R.S. 42:1112, he shall recuse himself from voting. An elected official who recuses himself from voting pursuant to this Section shall not be prohibited from participating in discussion and debate concerning the matter, provided that he makes the disclosure of his conflict or potential conflict a part of the record of his agency prior to his participation in the discussion or debate and prior to the vote that is the subject of discussion or debate. Therefore, it would not present a violation of La. R.S. 42:1112B(1) if you participate in a vote of the Parish Council on any ordinance that affects Parish employees equally. Nor would it present a violation of La. R.S. 42:1112B(1) if you participate in a vote of the Parish Council to adopt a budget that includes Mrs. Luna's salary, on the condition that it does not provide for a change to her salary.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

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Vivian Haley Williams  
For the Board